

PATENT
Docket No.: AMC-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2655

Examiner: Opsasnich, Michael N.

Serial No.: 09/706,227

Filed: November 3, 2000

In re Application of: Wold et al.

For: METHOD AND APPARATUS FOR CREATING A UNIQUE AUDIO SIGNATURE

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8/8/05.

Signed Krista Thompson
Krista Thompson

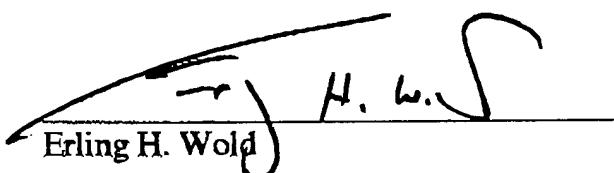
37 CFR 1.132 AFFIDAVIT

I, Erling H. Wold, have a Bachelor of Science in Electrical Engineering from California Institute of Technology and a Ph.D. in Electrical Engineering Computer Science from the University of California. I have been employed in the digital audio industry for twenty-eight years.

I have read U.S. Patent Number 4,918,730 issued to Schulze and have concluded that this patent does not teach the use of a plurality of acoustical features to generate a signature of a work. Schulze states that "The underlying principle is to compare the envelopes of signals that are being evaluated,..." See col. 1, line 48. The envelope is the only data needed to compare the reference signals to determine an identity of a work. Schulze then teaches various methods for data reduction by various data processing techniques. This does not fundamentally change the contents of the envelope. Instead, the reduction makes the comparisons easier. However, the envelope is just a single feature measured over time.

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The Examiner states that Schulze teaches a second feature through the use of a correlation function. However, this is not true. The correlation function is simply another method by which the envelopes may be compared. The use of the correlation function is to solve the problem of the repetitive nature of a pop song. The repetitive pattern is easily seen using the correlation function. See, col. 7, line 38-col. 8, line 17. However, the correlation function is just another method for comparing the signals in the envelope and is not a method of using a second acoustical feature. Thus, it is my conclusion that Schulze does not teach a signature generated from a plurality of acoustical features.



Erling H. Wold

4 August, 2005

Date